

JOURNAL OF THE SENATE

Thursday, August 17, 1967

The Senate was called to order by the President Pro Tempore at 9:30 a. m. The following Senators were recorded present:

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Gibson	Mathews	Stone
Boyd	Gong	O'Grady	Thomas
Broxson	Griffin	Ott	Weber
Chiles	Gunter	Plante	Weissenborn
Clayton	Haverfield	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Sayler	

47. A quorum present.

Excused: Senator Friday until 10:45 a. m.

Prayer by the Secretary of the Senate:

Father God, we thank thee for this beautiful day and the blessings that may be ours. We express heartfelt gratitude for our country and our state. We feel the privilege of being physical units in both and dedicate our talents towards amending those areas of activity necessary to the strengthening of our political and spiritual posture. Give unto these laborers of this commonwealth, the wisdom to do thy will in providing the prescription of reform for those things dormant or obsolete in our basic governmental structure. May the decision serve as a comparison of that which is good and right. In humility, we ask in our Saviour's name. Amen.

The Journal of August 16 was corrected and approved as follows:

Page 76, column 1, line 16, between "Excused:" and "Senators" insert the following: Senator Poston.

REPORTS OF COMMITTEES

The Honorable Verle Pope, President August 17, 1967
The Florida Senate
Tallahassee, Florida

Sir:

Your Committee on Rules and Calendar met at 9:15 A.M., August 17, 1967 and recommends the following Rules to be in effect while the Senate is in the Committee of the Whole considering Senate Joint Resolution 2-XXX(67):

1. Upon consideration for the first time of amendments to Senate Joint Resolution 2-XXX(67) on an Article by Article and Section by Section basis, amendments, amendments to amendments, and substitute amendments will be considered to be adopted as approved by a vote of three-fifths or more of the Senators present and voting.
2. Articles as amended or after all amendments proposed have been considered to a specific Article will be considered as adopted and informally engrossed as a portion of Senate Joint Resolution 2-XXX(67) as approved by a three-fourths vote of those present and voting.

The Rules herein shall cease to exist after completion of the consideration for the first time of each Article of Senate Joint Resolution 2-XXX(67) in the Committee of the Whole.

JOHN E. MATHEWS, JR.
 Chairman

On motion by Senator Mathews, the report of the Committee was adopted.

On motion by Senator Mathews, the following report of the Legislative Auditing Committee was spread upon the Journal:

The Honorable Verle Pope
President of the Senate
Tallahassee, Florida

August 16, 1967

The Honorable Ralph D. Turlington
Speaker of the House of Representatives
Tallahassee, Florida

Gentlemen:

The Legislative Auditing Committee met on August 15, 1967, at 5:00 p.m., in Senate Hearing Room 12, and adopted the following proposals:

1. The Committee, by unanimous vote, adopted the proposed operating budget.
2. The Committee, by unanimous vote, adopted the proposed salary range pay scale.
3. The Committee, by unanimous vote, gave the Legislative Auditor the authority to establish temporary operating rules and procedures.
4. A Sub-Committee, composed of Senator Askew, Representative Reed, Representative Wells, was appointed to work with the Legislative Auditor to draft new operating rules and procedures.
5. It was unanimously agreed to carry over annual and sick leave accrued by employees.
6. It was unanimously agreed to pay the salary of employees for the month of August out of Legislative Budget, rather than Executive Budget, with salary increases retroactive to July 1, 1967 (as will be done by State agencies under the Executive Branch), with the proper transfers by the Auditor and the notation that this procedure will save the State money by eliminating the necessity of double bookkeeping and the issuance of two checks.
7. It was unanimously agreed that an inquiry should be made into the procedure that was followed in the soliciting of bids for computer equipment for Florida State University, wherein the University did not recommend acceptance of the lowest bid submitted by the company capable of performing the job. The University recommended the acceptance of the next highest bid, which was approximately \$60,000 above the low bid. It was agreed that the University would be notified of the intent of the Committee.
8. A Sub-Committee composed of Senator Friday, Senator Young and Representative Turlington was appointed to draft a philosophy for the Committee.
9. It was unanimously agreed to hold a staff inquiry into the proposed issuance of bonds of a state agency, and to notify the agencies involved that such an inquiry is being made.
10. A Sub-Committee composed of Senator Friday and Representative Schultz was appointed to work with the Legislative Auditor in the development of computers with reference to the vast potential offered.
11. The Committee instructed the Legislative Auditor to request quarterly transfers of the State Auditing Department appropriation to the Legislative expense appropriation, and to arrange with the State Budget Director for these transfers.

Respectfully submitted,
 LOUIS WOLFSON, II
 Acting Chairman

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SCR 10-XXX(67)

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on August 16, 1967.

EDWIN G. FRASER
Secretary of the Senate

Your Enrolling Clerk to whom was referred—

SCR 8-XXX(67)

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on August 17, 1967.

EDWIN G. FRASER
Secretary of the Senate

INTRODUCTION

By Senators Lane, Bell, O'Grady, Clayton and Gunter—

SJR 11-XXX(67)—A joint resolution proposing an amendment to Section 7 of Article X of the State Constitution, relating to exemption of homesteads from taxation; providing an exemption up to assessed valuation of five thousand dollars on each owner-occupied condominium parcel and on each apartment occupied by tenant-stockholder or member of cooperative apartment corporation; defining cooperative apartment corporation and tenant-stockholder; providing that beneficial title in equity shall include interest of tenant-stockholder or member of cooperative apartment corporation.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 7 of Article X of the State Constitution as set forth below is agreed to and shall be submitted to the electors of the state for ratification or rejection at the general election of November, 1968:

SECTION 7. Exemption of homestead from taxation.—

(1) Every person who has the legal title or beneficial title in equity to real property in this State and who resides thereon and in good faith makes the same his or her permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of five thousand dollars on the said home and contiguous real property, as defined in Section 1, Article X, of the Constitution. Said title may be held by the entireties, jointly, or in common with others, and said exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear, but no such exemption of more than five thousand dollars shall be allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of five thousand dollars may be allowed on each apartment occupied by a tenant-stockholder or member of a cooperative apartment corporation and on each condominium parcel occupied by its owner, nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person. The legislature may prescribe appropriate and reasonable laws regulating the manner of establishing the right to said exemption.

(2) As used in Subsection (1), cooperative apartment corporation means a corporation, whether for profit or not for profit, organized for the purpose of owning, maintaining and operating an apartment building or apartment buildings to be occupied by its stockholders or members, and tenant-stockholder or member means an individual who is entitled, solely by reason of his ownership of stock or membership in a cooperative apartment corporation, to occupy for dwelling purposes an apartment in a building owned by such corporation. A corporation leasing land for a term of ninety-eight years or more for the purpose of maintaining and operating a cooperative apartment thereon shall be deemed the owner for purposes of this exemption.

(3) Beneficial title in equity is deemed to include the interest of a tenant-stockholder or member of a cooperative apartment corporation in the apartment which he occupies and a proportionate share of the land on which the apartment building is situated.

Was read the first time in full and referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read and by the required Constitutional two-thirds vote of the Senate, the Concurrent Resolutions contained therein were admitted for introduction and consideration:

The Honorable Verle A. Pope
President of the Senate

August 16, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted —

By Representative Hodes and others—

HCR 16-XXX(67)—A concurrent resolution expressing appreciation to Mrs. Delma Hart for her unselfish devotion to the nursing and care of the members of the legislature and staff during the current sessions.

Whereas, the legislature of the state of Florida has determined that timely public recognition of outstanding citizens and dedicated public servants, for their contributions to the legislature, should not be overlooked nor too long delayed, and

Whereas, Mrs. Delma Hart has devoted four months during the current sessions of the legislature to the nursing and care of the members of the legislature and staff who have had reason to seek medical attention, and

Whereas, Mrs. Delma Hart has performed this nursing care in a manner befitting a member of her profession, and

Whereas, Mrs. Delma Hart has provided this legislature with a quality of medical attention that it has never before known, and

Whereas, Mrs. Delma Hart has worked unselfishly in this manner for a compensation which can only be measured in terms of grateful appreciation by the legislature, Now, Therefore,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

Section 1. That the legislature of the State of Florida in recognition of the unselfish dedication and devotion rendered by this exceptional public servant and in commendation for the spirit in which she has given so freely of her talents, pays tribute to Mrs. Delma Hart.

Section 2. Be it further resolved that copies of this concurrent resolution be signed by the speaker and chief clerk of the house of representatives and by the president and secretary of the senate and that such copies suitable for framing and bearing the seal of the great State of Florida be transmitted to Mrs. Delma Hart, that it may serve not only as a symbol of appreciation to her, but that by so recognizing the work of this Floridian, it may also serve as an inspiration to the citizens of our state and nation that dedicated public service shall not go unrewarded nor shall it be forgotten.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 16-XXX(67), contained in the above message, was read the first time in full. On motion by Senator Askew, the rules were waived and HCR 16-XXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope
President of the Senate

August 16, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted —

By Representative Grange and others—

HCR 10-XXX(67)—A concurrent resolution expressing deep

regret and sympathy over the passing of William L. Griffin, who died in the line of duty.

WHEREAS, the late William L. Griffin served as a member of the Jacksonville police department from March 1, 1956 until the time of his death, July 29, 1967, and

WHEREAS, the late William L. Griffin, while performing the duties as a law enforcement officer, was tragically killed on July 29, 1967, and

WHEREAS, the late William L. Griffin, in giving his life in the line of duty, did uphold the finest and noblest tradition of the law enforcement profession, and

WHEREAS, the death of William L. Griffin was a great and tragic loss to his family, his friends and the people of the state of Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That on behalf of the people of Florida this Legislature does unanimously express to the family of William L. Griffin its gratitude for his life and his service and its deep and earnest sense of regret and heartfelt loss at his untimely passing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Esther Griffin, wife of the late William L. Griffin.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 10-XXX(67), contained in the above message, was read the first time in full. On motion by Senator Mathews, the rules were waived and HCR 10-XXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The President announced the appointment of Senators Fincher and Henderson to serve in the places vacated by Senators Reuter and Thomas on the Select Committee appointed to inquire into the Executive Order of Suspension in the case of J. M. Sample, County Judge of St. Lucie County, Florida.

On motion by Senator Mathews, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-XXX(67).

COMMITTEE OF THE WHOLE

Senator Barron presiding.

The Committee of the Whole resumed consideration of Amendment 213 as amended.

On motion by Senator Bell, Amendment 213 as amended was adopted. The vote was:

Yeas—30

Mr. President	Cross	Hollahan	Saylor
Askew	Deeb	Horne	Stolzenburg
Barron	de la Parte	Johnson	Stone
Barrow	Fisher	Knopke	Weber
Bell	Gibson	Lane	Wilson
Broxson	Gong	Mathews	Young
Chiles	Griffin	O'Grady	
Clayton	Haverfield	Poston	

Nays—11

Bafalis	McClain	Reuter	Thomas
Boyd	Ott	Spencer	Weissenborn
Henderson	Plante	Stockton	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Friday on Amendment 213. If he were present he would vote "Yea" and I would vote "Nay".

ROBERT L. SHEVIN, 43rd District

The Steering Committee offered the following amendment which was moved by Senator Mathews and failed:

Amendment 214—Article VII, Section 1, Subsection (c), on

page 42, beginning at line 29, strike all of Subsection (c) and insert in lieu thereof a new subsection (c) substantially reworded as follows:

(c) POWERS AND DUTIES. The powers, duties, qualifications and terms of county officers, except as provided in a county charter, shall be as prescribed by law. The care and custody of all county funds and a method of reporting and paying out all such funds shall be provided for by law.

The vote was:

Yeas—16

Bafalis	McClain	Reuter	Thomas
Fisher	Ott	Spencer	Weissenborn
Knopke	Plante	Stockton	Wilson
Lane	Poston	Stone	Young

Nays—26

Mr. President	Chiles	Gong	Johnson
Askew	Clayton	Griffin	Mathews
Barron	Cross	Gunter	O'Grady
Barrow	Deeb	Haverfield	Saylor
Bell	de la Parte	Henderson	Stolzenburg
Boyd	Elrod	Hollahan	
Broxson	Gibson	Horne	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Friday on Amendment 214. If he were present he would vote "Nay" and I would vote "Yea".

ROBERT L. SHEVIN, 43rd District

Senator Poston, having been excused from the session on August 16, requested unanimous consent to be recorded as voting "Yea" on Amendment 208 to SJR 2-XXX(67).

Senator O'Grady offered the following amendment:

Amendment 162—Article VII, Section 1, Subsection (e), on page 43, beginning at line 18, strike present Article VII, Section 1, Subsection (e) and insert in lieu thereof the following (substantial rewording):

(e) NON-CHARTER GOVERNMENT.

In those counties not operating under a charter form of government, the legislature shall provide for a uniform system of county government and powers.

Senator Askew presiding.

Senator Gunter offered the following amendment to Amendment 162 which was adopted:

On line 4 strike: "government and"

On motion by Senator O'Grady, Amendment 162 as amended was temporarily deferred.

Senators Bafalis and O'Grady offered the following amendment which was moved by Senator Bafalis:

Amendment 51—Article VII, Section 1, Subsection (e), on page 43, beginning at line 18, strike subsection (e) and insert in lieu thereof the following:

(e) NON-CHARTER GOVERNMENT. Counties shall have the power of self-government [except] as [otherwise] provided by general [or special] law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by law, county ordinances not inconsistent with law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until final action on Amendment 51.

Amendment 51 failed. The vote was:

Yeas—13

Bafalis	Haverfield	Stolzenburg	Young
Barron	Johnson	Thomas	
Deeb	McClain	Weber	
Griffin	O'Grady	Wilson	

Nays—26

Mr. President	Edwards	Knopke	Shevin
Askew	Fincher	Lane	Slade
Barrow	Friday	Mathews	Spencer
Bell	Gibson	Ott	Stone
Broxson	Gong	Plante	Weissenborn
Chiles	Henderson	Poston	
de la Parte	Hollahan	Reuter	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Clayton on Amendment 51. If he were present he would vote "Yea" and I would vote "Nay."

MALLORY E. HORNE, 5th District

On motion by Senator Mathews, it was agreed by two-thirds vote that when the Committee of the Whole recesses it recess to reconvene at 1:45 p. m.

The hour of recess having arrived, a point of order was called and the Committee of the Whole recessed at 12:17 p. m.

AFTERNOON SESSION

The Committee of the Whole was called to order by Senator Askew at 1:45 p. m. A quorum present.

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by Senator Askew at 1:50 p. m. A quorum present.

Senator Weber moved that the rules be waived and the Senate not convene on Saturday, August 19.

On substitute motion by Senator Haverfield, the motion by Senator Weber was temporarily deferred.

On motion by Senator Mathews, pursuant to Rule 5.12, the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-XXX(67).

COMMITTEE OF THE WHOLE

The Steering Committee offered the following amendment which was moved by Senator Mathews and adopted:

Amendment 218—Article VII, Section 1, Subsection (i), on page 44, beginning at line 12, strike subsection (i) and insert in lieu thereof the following:

(i) COUNTY SEAT. [In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers.] The principal offices and permanent records of all county officers shall be at the county seat. Branch offices for the conduct of county business may be established elsewhere in the county by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

Senator Stockton offered the following amendment which was adopted:

Amendment 115—Article VII, Section 3, on page 45, beginning at line 5, strike all of section 3 and insert the following in lieu thereof:

Section 3. CONSOLIDATION.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. A consolidation plan may be provided by legislative act or by act of the governing bodies of each of the governments affected. A consolidation plan shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of

taxation for the payments of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Senators Saylor and Deeb offered the following amendment which was moved by Senator Deeb:

Amendment 232—Article VII, Section 5, on page 45, beginning at line 27, strike section 5 and insert the following in lieu thereof:

Section 5. COOPERATION BETWEEN GOVERNMENTAL UNITS.—Any local governmental unit may contract and cooperate with other local governmental units[,] or with the state[, or with the United States] in the exercise of any of its authorized proprietary functions for the planning, development, construction, acquisition, or operation of any public improvement or facility or for a common service.

Senator Saylor offered the following substitute amendment which failed:

Strike Section 5 in entirety.

The vote was:

Yeas—17

Bell	Henderson	Saylor	Wilson
Deeb	Johnson	Slade	Young
de la Parte	Lane	Stockton	
Elrod	O'Grady	Stolzenburg	
Friday	Plante	Weber	

Nays—21

Mr. President	Chiles	Horne	Reuter
Askew	Cross	Knopke	Spencer
Barron	Edwards	McClain	Stone
Barrow	Gong	Mathews	
Boyd	Griffin	Ott	
Broxson	Haverfield	Poston	

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 4:15 p. m.

Senator Stockton offered the following amendment to Amendment 232 which failed:

Beginning at line 8, strike "or for a common service"

Senator de la Parte offered the following amendment to Amendment 232 which was adopted:

Beginning at line 8, strike the period and insert:: except as otherwise provided by law.

Amendment 232 as amended was adopted. The vote was:

Yeas—32

Mr. President	Clayton	Hollahan	Saylor
Askew	Deeb	Johnson	Slade
Bafalis	de la Parte	Knopke	Stockton
Barron	Elrod	Lane	Stolzenburg
Bell	Friday	McClain	Thomas
Boyd	Griffin	O'Grady	Weber
Broxson	Gunter	Plante	Wilson
Chiles	Henderson	Poston	Young

Nays—11

Barrow	Gibson	Reuter	Stone
Cross	Gong	Shevin	Weissenborn
Fincher	Mathews	Spencer	

A motion by Senator Plante was adopted that the Committee of the Whole reconsider the vote by which the substitute amendment for Amendment 232 failed.

The substitute amendment for Amendment 232 was adopted.

Senator Bafalis offered the following amendment:

Amendment 53—Article VII, Section 2, Subsection (b), on page 44, beginning at line 25, strike subsection (b) and insert in lieu thereof the following:

(b) POWERS. Municipalities shall have the power of self-government. They shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes [ex-

cept as otherwise] provided by law. Each municipal legislative body shall be elective.

Senator Friday offered the following amendment to Amendment 53 which was adopted:

Section 2, Subsection (b), on page 44, strike all of subsection (b) and insert:

(b) Powers.

Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective

Amendment 53 as amended was adopted.

On motion by Senator Mathews, Article VII as amended was adopted. The vote was:

Yeas—35

Mr. President Askew Barron Barrow

Bell	Friday	Mathews	Stockton
Broxson	Gibson	Plante	Stolzenburg
Chiles	Gong	Poston	Stone
Cross	Griffin	Reuter	Thomas
de la Parte	Haverfield	Sayler	Weber
Elrod	Hollahan	Shevin	Weissenborn
Fincher	Lane	Slade	Young
Fisher	McClain	Spencer	

Nays—9

Bafalis	Deeb	Knopke	Wilson
Boyd	Henderson	O'Grady	
Clayton	Johnson		

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by the President at 4:24 p. m. A quorum present.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:25 p. m. to reconvene at 9:30 a. m., August 18, 1967.